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YOUNG & THOMPSON
745 South 23rd Street
2nd Floor
Arlington, VA 22202

In re Application of :
KODA *et al* :
Application No.: 10/565,076 :
PCT No.: PCT/JP2004/010768 :
Int. Filing Date: 22 July 2004 :
Priority Date: 23 July 2003 :
Attorney Docket No.: 80481138 :
For: WRITE ONCE RECORDING MEDIUM, :
RECORDER AND RECORDING :
METHOD . . . :

DECISION

This is a decision on the documents filed 01 June 2006 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 18 January 2006, applicants filed papers to enter the national stage of PCT/JP2004/010768 which purportedly was accompanied by an executed declaration. The declaration was not located in the file.

On 10 May 2006, a "Notification of Missing Requirements . . ." (Form PCT/DO/EO/905) was mailed indicating that an executed declaration and surcharge fee was required. Applicants were given two months to respond with extensions available.

On 01 June 2006, applicant submitted the subject petition along with a copy of an executed declaration and the date-stamped postcard receipt for the documents filed 18 January 2006.

DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items

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listed thereon on the date stamped thereon by the USPTO.

Applicants provided a copy of the date-stamped postcard receipt for documents submitted on 18 January 2006. The postcard receipt identified the application by the name of applicant, docket number and PCT number. The postcard receipt indicates that an "Executed Declaration" was included among the papers received in the USPTO. The postcard receipt is stamped "OIPE JAN 18 2005 " across its face.

Accordingly, applicants have provided *prima facie* evidence that an executed declaration was filed with the national stage papers on 18 January 2006.

CONCLUSION

In view of the above, the petition under 37 CFR 1.181 is hereby **GRANTED**.

The declaration originally filed 18 January 2006 is in compliance with 37 CFR 1.497(a) and (b). Accordingly, the Form PCT/DO/EO/905 mailed 10 May 2006 is **VACATED**. No surcharge fee is required.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 July 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 January 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302